

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of:

Larren F. Jones, et al.

Appln. No.: 09/368,503

Filed: August 5, 1999

For: Wear Assembly For A Digging
Edge Of An Excavator

Atty. Docket No.: 051291.81516

Group Art Unit: 3641

Examiner: Christopher J. Novosad

Confirmation No: 5616

**SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive invention on the part of the applicant.

The specific changes/amendments to the claims are the addition of new claims 55 through 138. The original claims are unduly narrow in some respects and do not provide the full scope of protection to which we are entitled. Therefore, new claims 55 through 138 were added to correct our errors in claiming less than we had a right to claim. Claims 55 through 138 recite subject matter that was not claimed as such in the original claims and/or broaden the original claims by omitting features unnecessary to distinguish the claimed invention from the prior art. No other changes/amendments were made to the claims.

More particularly, the specific changes/amendments to the claims, as detailed below, are the additions of:

- Independent claims 55 and 59 and their dependent claims 56 through 58, and 60 through 61, which recite a wear assembly for attachment to a digging edge of an excavator. These claims are similar in some respects to original claims 1-9 and 51, which also recite a wear assembly, but are broader in that certain features unnecessary to distinguish the prior art are not recited. For example, claim 1 recites “a second surface adapted to be positioned remote from the digging edge” and “a rigid lock.” The “second surface” feature is omitted at least in new claim 55 and the unnecessarily restrictive “rigid lock” is broadened to “lock.”
- Independent claim 62 and its dependent claims 63 through 66, which are directed to a mount for attaching a wear member to a digging edge of an excavator. A mount is not claimed as such in any of original claims 1 through 54.
- Independent claims 67, 68, 70, and 73, and dependent claim 69, which depends from claim 68. These claims are directed to a lock adapted to be received into an opening in a wear member. A lock is not claimed as such in any of original claims 1 through 54.
- Independent claim 71 and its dependent claim 72, which are directed to a method of mounting a wear member to an excavator. A method of mounting a wear member is not claimed as such in any of original claims 1 through 54.
- Independent claims 74, 81, 91, 103, and 115, and their respective dependent claims 75 through 80 and 138, 82 through 90, 92 through 102, 104 through 107 and 116 through 118, which are directed to a wear assembly for an excavator having a lip, and independent claim 108 and its dependent claims 109 and 110, directed to a wear member for mounting to an excavator having a lip. None of a wear assembly for an excavator having a lip, a wear member for an excavator having a lip, and/or a wear member for mounting to an excavator having a lip is claimed as such in any of original claims 1 through 54.
- Independent claim 111, and its dependent claims 112 through 113, which are directed to a one-piece boss. A one-piece boss is not claimed as such in any of original claims 1 through 54.

- Independent claim 114, which is directed to a boss for fixing to an excavator lip. A boss for fixing to an excavator lip is not claimed as such in any of original claims 1 through 54.
- Independent claims 119, 125, and 129, and their dependent claims 120 through 124, 126 through 128, and 130 through 134, which are directed to a wear assembly for attachment along a lip of an excavator. A wear assembly for attachment along a lip of an excavator is not claimed as such in any of original claims 1 through 54.
- Independent claim 135, and its dependent claims 136 through 137, which are directed to a wear member for mounting on a front lip of an excavator. A wear member for mounting on a front lip of an excavator is not claimed as such in any of original claims 1 through 54.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Robert E. McClanahan



Hezekiah R. Holland

Date



Date